

REMARKS/ARGUMENTS

Claims 1-33 are pending in the application. Claims 11, 13, and 16 were previously amended to put them into independent form.

Claims 1-5, 8, 21-27 and 29-32 were rejected under 35 U.S.C. §102(e) as being anticipated by Kejser et al., U.S. Patent No. 6,381,666 (hereinafter "Kejser"). Claims 6-7, 10, 19-20, 28, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kejser in view of Universal Serial Bus Specification, Revision 2.0, April 27, 2000 (hereinafter "USB 2.0"). Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kejser in view of Mizutani et al., U.S. Patent No. 6,603,744 (hereinafter "Mizutani"). Claims 11-18 were allowed.

Claim Rejections Under 35 U.S.C. §102(e)

Claims 1-5, 8, 21-27 and 29-32 were rejected under 35 U.S.C. §102(e) as being anticipated by Kejser. Kejser generally discloses an extended range hub with a local expander and a remote expander (*See Abstract*).

Kejser does not disclose sending a reply, in response to the preliminary message, for storage in the storage element; wherein after at least one secondary message is sent from the host to the storage element, the reply is to be sent from the storage element to the host, as recited by claims 1, 21, 24, and 29. The terms "preliminary message" and "secondary message" imply two different messages rather than the same message repeated.

Kejser states:

The target device generates an input data packet Is1 (32). According to the USB protocol, a device without an integrated cable must generate a response within 6.5 bit-times of the end of the corresponding request. Said input data packet Is1 (32) is received by the REX

subsystem (5) and retransmitted as Is1 (26), over the external wiring, to the LEX (4). Said retransmitted response Is1 (26) is not immediately forwarded to the Host PC (1), but is stored within the memory of the LEX subsystem (4).

The Host PC (1) notices that it did not receive a response to its input data request R1 (20), and *retries the transaction* by generating a new request R2 (21) to the same USB address and end-point. Upon receiving request R2 (21), the LEX subsystem 4 retrieves response Is1 (26) from its memory buffers and forwards it to the Host PC as response Is1 (22). Said second request R2 (21) is repeated as R2 (27) through the LEX and forwarded as R2 (33) to the device. The target device generates a second response Is2 (34) which is retransmitted as Is2 (28) by the REX to the LEX. Response Is2 (28) is again stored within the memory of the LEX subsystem, from where it is sent to the host PC (1) as response Is2 (24) to a third request R3 (23). The process is repeated as necessary with requests R3 (23), R3 (29) and R3 (35) and responses Is3 (36) and Is3 (30).

(See Kejser, col. 14, lines 4-28) (Emphasis added).

In other words, Kejser discloses the same request repeated, rather than a preliminary request followed by a secondary request. In Kejser, a response is sent to the request for data from a PC 1. That response is stored in the RAM 53 of the LEX. The LEX then sends the response to the computer when the request for data is retried after the computer times out without a response to the first request.

The Examiner backs up this interpretation of Kejser in the Office Action. The Examiner states:

... wherein the preliminary message is a data request (*i.e.*, request R1 for input data), the at least one secondary message is a data request follow-up (*i.e.*, *new request R2 which is same as first request R1*, so is a follow-up request), and the reply is a data reply (*i.e.*, input data packet Is1)...

(Office Action, Page 3) (Emphasis added).

In the present invention, a reply is sent in response to the preliminary message and stored in the storage element. After at least one secondary message is sent from the host to the storage element, the reply is sent from the storage element to the host. Two different messages are sent, rather than a repetition of a request for data.

Applicants respectfully submit, therefore, that elements of claim 1, 21, 24, and 29 are neither shown nor suggested by the cited reference. Claims 2-5, 8, 22-23, 25-27, and 30-32 depend from and further define claims 1, 21, 24, and claim 29, respectively. Accordingly reconsideration and withdrawal of the rejection of claims 1-5, 8, 21-27, and 29-32 under 35 U.S.C. §102(e) is respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 6-7, 10, 19-20, 28, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kejsner in view of USB 2.0.

Applicants would submit that USB 2.0 is not a proper reference under 35 U.S.C. §103(a). USB 2.0 was published on April 27, 2000, less than one year prior to the application's filing date of March 30, 2001, making USB 2.0 an improper reference under 35 U.S.C. §102(b). Further, the writer of the cited portion of USB 2.0 is Intel, specifically applicant John Garney. An affidavit from Mr. Garney affirming this is enclosed. Therefore, USB 2.0 is an improper reference under 35 U.S.C. §102(a), as well.

Alternatively, applicants would submit that, absent impermissible hindsight, Kejsner and USB 2.0 would not be joined. Kejsner is based on the use of USB 1.1. Specifically Kejsner is based on two Canadian applications filed on February 19, 1999 and April 26, 1999, both written and filed before the first draft of version 2.0 was released on October 5, 1999. The reference to version 2.0 in the background Kejsner teaches storing a response in RAM of a local expander, then forwarding the response when the PC issues a retry request. Due to the increased speed of the USB 2.0 in comparison with the USB 1.1, this method of delayed transfer of data would not

work. The retry messages would be sent at too great a speed, arriving before the data could be stored in the local expander. This factor would discourage one from combining the references.

Applicants respectfully submit, therefore, that elements of claims 1, 24, and 29 are neither shown nor suggested by the cited references. Claims 6-7, 10, 19-20, 28, and 33 depend from and further define claims 1, 24, and claim 29, respectively. Accordingly reconsideration and withdrawal of the rejection of claims 6-7, 10, 19-20, 28, and 33 under 35 U.S.C. §103(a) is respectfully requested.

Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kejser in view of Mizutani. Mizutani discloses wireless communication between a wireless hub connected to the USB bus of a computer and a wireless port connected to the USB interface of a peripheral device.

Neither Kejser, Mizutani, nor any combination thereof discloses sending a reply, in response to the preliminary message, for storage in the storage element; wherein after at least one secondary message is sent from the host to the storage element, the reply is to be sent from the storage element to the host, as recited by claim 1.

Applicants respectfully submit, therefore, that elements of claim 1 are neither shown nor suggested by the cited references. Claim 9 depends from and further defines claim 1. Accordingly reconsideration and withdrawal of the rejection of claims 9 under 35 U.S.C. §103(a) is respectfully requested.

For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. **11-0600**.

The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application.

Respectfully submitted,

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